

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 35041

STATE OF IDAHO,)	2008 Unpublished Opinion No. 537
)	
Plaintiff-Respondent,)	Filed: July 8, 2008
)	
v.)	Stephen W. Kenyon, Clerk
)	
MICHAEL FISCH,)	THIS IS AN UNPUBLISHED
)	OPINION AND SHALL NOT
Defendant-Appellant.)	BE CITED AS AUTHORITY
)	

Appeal from the District Court of the Second Judicial District, State of Idaho, Latah County. Hon. John R. Stegner, District Judge.

Order denying I.C.R. 35 motion for correction of an illegal sentence, affirmed.

Molly J. Huskey, State Appellate Public Defender; Justin M. Curtis, Deputy Appellate Public Defender, Boise, for appellant.

Hon. Lawrence G. Wasden, Attorney General; Lori A. Fleming, Deputy Attorney General, Boise, for respondent.

PER CURIAM

Michael Fisch was convicted of two counts of lewd conduct with a minor under sixteen. The district court sentenced Fisch to concurrent unified terms of sixteen years, with minimum periods of confinement of three years. The district court subsequently reduced Fisch's sentences to concurrent unified terms of ten years, with minimum periods of confinement of two years. Fisch filed an I.C.R 35 motion for correction of an illegal sentence, which the district court denied. Fisch appeals.

Pursuant to Rule 35, the district court may correct an illegal sentence at any time. In an appeal from the denial of a motion under Rule 35 to correct an illegal sentence, the question of whether the sentence imposed is illegal is a question of law freely reviewable by the appellate court. *State v. Josephson*, 124 Idaho 286, 287, 858 P.2d 825, 826 (Ct. App. 1993); *State v. Rodriguez*, 119 Idaho 895, 897, 811 P.2d 505, 507 (Ct. App. 1991).

Having reviewed the record in this case, we conclude that Fisch has failed to demonstrate that his sentence is illegal. Thus, the district court did not err in denying his Rule 35 motion. Therefore, the district court's order denying Fisch's Rule 35 motion is affirmed.